

**Commonwealth of Massachusetts
SUFFOLK SUPERIOR COURT
Case Summary
Civil Docket**

Aguillon et al v Bareece CNM et al

Details for Docket: SUCV1993-07092

Case Information

Docket Number:	SUCV1993-07092	Caption:	Aguillon et al v Bareece CNM et al
Filing Date:	12/16/1993	Case Status:	
Status Date:	11/21/1997	Session:	
Lead Case:	NA	Case Type:	

Tracking Deadlines

TRK:	A	Discovery:	02/04/1996
Service Date:	03/16/1994	Disposition:	12/15/1996
Rule 15:	03/11/1995	Rule 12/19/20:	05/15/1994
Final PTC:	08/02/1996	Rule 56:	04/04/1996
Answer Date:	05/15/1994	Jury Trial:	YES

Parties Involved

19 Parties Involved in Docket: SUCV1993-07092

Party Involved:		Role:	A:N
Last Name:	Aguillon Co-Guardian	First Name:	Fabian
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	A:N
Last Name:	Alvarado Co-Guardian	First Name:	Nasira
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Role: Add name of guardian

Party**Involved:****Last Name:** Aguillon Co-Guardian**First Name:** Fabian**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party****Involved:****Last Name:** Alvarado Co-Guardian**Role:** Add name of guardian**First Name:** Nasira**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party****Involved:****Last Name:** Bareece CNM**Role:** Defendant**First Name:** Constance**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party****Involved:****Last Name:** Cambridge (As Amended)**Role:** Defendant**First Name:** City of**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party****Involved:****Last Name:** Clark M D**Role:** Defendant**First Name:** Molly E**Address:****Address:****City:****State:****Zip Code:****Zip Ext:****Telephone:****Party****Involved:****Last Name:** Fleck CNM**Role:** Defendant**First Name:** Stephanie

Address:
City:
Zip Code:
Telephone:

Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Laz M D
Address:
City:
Zip Code:
Telephone:

Role: Defendant
First Name: Louis
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Aguillon Co-Guardian
Address:
City:
Zip Code:
Telephone:

Role: Equitable Remedy: Guardian ad Litem
First Name: Fabian
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Alvarado Co-Guardian
Address:
City:
Zip Code:
Telephone:

Role: Equitable Remedy: Guardian ad Litem
First Name: Nasira
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Aguillon Co-Guardian
Address:
City:
Zip Code:
Telephone:

Role: Guardian Ad Litem
First Name: Fabian
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Alvarado Co-Guardian
Address:
City:

Role: Guardian Ad Litem
First Name: Nasira
Address:
State:

Zip Code:
Telephone:

Zip Ext:

Party Involved:

Role: Guardian ad litem

Last Name: Aguillon Co-Guardian

First Name: Fabian

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

Party Involved:

Role: Guardian ad litem

Last Name: Alvarado Co-Guardian

First Name: Nasira

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

Party Involved:

Role: Other interested party

Last Name: Guertin

First Name: James

Address: P.O. Box 9209

Address: Recovery Unit

City: Boston

State: MA

Zip Code: 02209

Zip Ext:

Telephone: 617-426-2807

Party Involved:

Role: Plaintiff

Last Name: Aguillon

First Name: Alexandra ppa

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

Party Involved:

Role: Plaintiff

Last Name: Alvarado

First Name: Nasira

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

Party Involved:		Role:	Plaintiff
Last Name:	Aquillon	First Name:	Fabian
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Attorneys Involved

17 Attorneys Involved for Docket: SUCV1993-07092

Attorney Involved:		Firm Name:	SLOA01
Last Name:	Dailey, Jr.	First Name:	William J.
Address:	3 Center Plaza	Address:	Suite 850
City:	Boston	State:	MA
Zip Code:	02108	Zip Ext:	
Telephone:	617-523-6010	Tel Ext:	
Fascimile:	617-227-0927	Representing:	Laz M D, Louis (Defendant)

Attorney Involved:		Firm Name:	HARE01
Last Name:	Verdi	First Name:	Gina W
Address:	160 Federal Street	Address:	
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	
Telephone:	617-330-5000	Tel Ext:	
Fascimile:		Representing:	Clark M D, Molly E (Defendant)

Attorney Involved:		Firm Name:	
Last Name:	DiPietrantonio	First Name:	John
Address:	92 Montvale Avenue	Address:	Suite 2700
City:	Stoneham	State:	MA
Zip Code:	02180	Zip Ext:	3636
Telephone:	781-438-5222	Tel Ext:	
Fascimile:	781-438-0556	Representing:	Bareece CNM, Constance (Defendant)

Attorney Involved:		Firm Name:	TODD01
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Last Name: Catalano
Address: 1 Federal Street
City: Boston
Zip Code: 02110
Telephone: 617-720-2626
Fascimile: 617-227-5777

First Name: Jeffrey N
Address: 27th floor
State: MA
Zip Ext:
Tel Ext:
Representing: Clark M D, Molly E (Defendant)

Attorney Involved:

Last Name: Divoll
Address: 3 Center Plaza
City: Boston
Zip Code: 02108
Telephone: 617-523-6010
Fascimile: 617-227-0927

Firm Name: SLOA01
First Name: Marcia K.
Address:
State: MA
Zip Ext:
Tel Ext:
Representing: Laz M D, Louis (Defendant)

Attorney Involved:

Last Name: Anderson
Address: 75 Federal Street
City: Boston
Zip Code: 02110
Telephone: 617-423-6674
Fascimile: 617-423-7152

Firm Name: ANDE10
First Name: James H
Address: 10th Floor
State: MA
Zip Ext:
Tel Ext:
Representing: Clark M D, Molly E (Defendant)

Attorney Involved:

Last Name: O'Brien
Address: Engelberg and Bratcher
City: Boston
Zip Code: 02110
Telephone: 617-371-4141
Fascimile: 617-371-4140

Firm Name:
First Name: Steven M
Address: 100 High Street Suite 150
State: MA
Zip Ext:
Tel Ext:
Representing: Fleck CNM, Stephanie (Defendant)

Attorney Involved:

Last Name: McCarthy
Address: 47 Thorndike St
City: Cambridge
Zip Code: 02141
Telephone: 617-225-2211

Firm Name: MCCA03
First Name: Edward D
Address:
State: MA
Zip Ext:
Tel Ext:

Fascimile: 617-225-7711**Representing:** Bareece CNM, Constance
(Defendant)**Attorney
Involved:****Firm Name:** MCCA03**Last Name:** McCarthy**First Name:** Edward D**Address:** 47 Thorndike St**Address:****City:** Cambridge**State:** MA**Zip Code:** 02141**Zip Ext:****Telephone:** 617-225-2211**Tel Ext:****Fascimile:** 617-225-7711**Representing:** Cambridge (As Amended), City of
(Defendant)**Attorney
Involved:****Firm Name:** LUBI01**Last Name:** Meyer, Jr**First Name:** Andrew C.**Address:** 100 City Hall Plaza**Address:** 4th Floor**City:** Boston**State:** MA**Zip Code:** 02108**Zip Ext:****Telephone:** 617-720-4447**Tel Ext:****Fascimile:** 617-720-1229**Representing:** Alvarado, Nasira (Plaintiff)**Attorney
Involved:****Firm Name:****Last Name:** DiPietrantonio**First Name:** John**Address:** 92 Montvale Avenue**Address:** Suite 2700**City:** Stoneham**State:** MA**Zip Code:** 02180**Zip Ext:** 3636**Telephone:** 781-438-5222**Tel Ext:****Fascimile:** 781-438-0556**Representing:** Fleck CNM, Stephanie
(Defendant)**Attorney
Involved:****Firm Name:****Last Name:** Gariepy**First Name:** Elizabeth A**Address:** Gariepy & Associates LLC**Address:** 332 Victory Road, Suite 2R**City:** Quincy**State:** MA**Zip Code:** 02171**Zip Ext:****Telephone:** 617-328-7987**Tel Ext:****Fascimile:** 617-226-4508**Representing:** Aguillon, Alexandra ppa (Plaintiff)**Attorney
Involved:****Firm Name:****Last Name:** Williams**First Name:** Susan H

Address: 35 Prescott Street
City: Brookline
Zip Code: 02445
Telephone: 617-731-6536
Fascimile:

Address:
State: MA
Zip Ext:
Tel Ext:
Representing: Clark M D, Molly E (Defendant)

**Attorney
Involved:**

Last Name: Meyer, Jr
Address: 100 City Hall Plaza
City: Boston
Zip Code: 02108
Telephone: 617-720-4447
Fascimile: 617-720-1229

Firm Name: LUBI01
First Name: Andrew C.
Address: 4th Floor
State: MA
Zip Ext:
Tel Ext:
Representing: Aguillon, Alexandra ppa (Plaintiff)

**Attorney
Involved:**

Last Name: Meyer, Jr
Address: 100 City Hall Plaza
City: Boston
Zip Code: 02108
Telephone: 617-720-4447
Fascimile: 617-720-1229

Firm Name: LUBI01
First Name: Andrew C.
Address: 4th Floor
State: MA
Zip Ext:
Tel Ext:
Representing: Aquillon, Fabian (Plaintiff)

**Attorney
Involved:**

Last Name: McCarthy
Address: 47 Thorndike St
City: Cambridge
Zip Code: 02141
Telephone: 617-225-2211
Fascimile: 617-225-7711

Firm Name: MCCA03
First Name: Edward D
Address:
State: MA
Zip Ext:
Tel Ext:
Representing: Fleck CNM, Stephanie
(Defendant)

**Attorney
Involved:**

Last Name: O'Brien
Address: Engelberg and Bratcher
City: Boston
Zip Code: 02110
Telephone: 617-371-4141

Firm Name:
First Name: Steven M
Address: 100 High Street Suite 150
State: MA
Zip Ext:
Tel Ext:

Fascimile: 617-371-4140**Representing:** Bareece CNM, Constance
(Defendant)

Calendar Events

12 Calendar Events for Docket: SUCV1993-07092

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	02/18/1994	10:00	Motion/Hearing: miscellaneous	D	
2	02/25/1994	10:00	Motion/Hearing: miscellaneous	D	Event held as scheduled
3	04/30/1996	11:30	Motion/Hearing: Rule56	D	
4	05/06/1996	14:00	Motion/Hearing: Rule56	D	
5	09/12/1996	14:00	Motion/Hearing: Rule56	D	
6	10/30/1996	10:30	Motion/Hearing: Rule56	D	Event held as scheduled
7	03/19/1997	14:00	Motion/Hearing: Rule12 to Dismiss	F	Event held as scheduled
8	04/01/1997	14:00	Conf: final pre-trial	F	Event canceled not re-scheduled
9	04/24/1997	14:00	Conf: final pre-trial	F	Event held as scheduled
10	09/04/1997	09:00	Hearing: miscellaneous	B	Event canceled not re-scheduled
11	09/15/1997	09:00	TRIAL: by jury	F	
12	10/27/1997	09:00	TRIAL: by jury	F	Event canceled not re-scheduled

Full Docket Entries

110 Docket Entries for Docket: SUCV1993-07092

Entry Date:	Paper No:	Docket Entry:
12/16/1993	1	Complaint & Jury demand
12/16/1993		Origin 1, Type B06, Track A.
12/17/1993	2	Civil action cover sheet re: complaint
01/14/1994	3	SERV RETRND: Molly E Clark M D (Defendant) in hand to Mary Kearns,
01/14/1994	3	person in charge at time of service January 6, 1994
01/14/1994	4	SERV RETRND: Stephanie Fleck CNM (Defendant) in hand to deft January
01/14/1994	4	6, 1994
01/31/1994	5	ANSWER & Jury demand of defs, Constance Breece, CNM and Stephanie
01/31/1994	5	Fleck, CNM
01/31/1994	6	ANSWER: Stephanie Fleck CNM (Defendant)
02/03/1994	6	Motion of deft Molly E Clark, M D for a more definite statement
02/15/1994	7	SERV RETRND (summons): Constance Breece, CNM, in hand on 2/7/94
02/16/1994	7	Motion of defts Stephanie Fleck, C N M and Constance Breece C N M to
02/16/1994	7	compel service of offer of proof by plff Alexander Aquillon, ppa

02/16/1994	7	Nasira Alvarado three days before tribunal hearing
02/17/1994	8	SERV RETRND: Louis Laz M D (Defendant) in hand to Bob Dempkoski,
02/17/1994	8	person in charge at time of service February 14, 1994
02/18/1994		Motion (P#7.1) Allowed (Spurlock, J) notice sent 2-22-94
02/25/1994		Motion (P#6.1) Denied (Spurlock, J) notice sent 2-25-94
03/16/1994	9	Request of plff to default deft Louis Laz, M D under 55(a)
04/06/1994	10	Stipulation of deft Louis Laz, M D to remove default
04/06/1994	11	ANSWER: Louis Laz M D (Defendant) & Jury Demand (All Issues)
04/06/1994	12	Request of deft Louis Laz, M D for Medical Malpractice Tribunal
04/11/1994	13	ANSWER: Molly E Clark M D (Defendant) with Jury Demand (All Issues)
04/11/1994	14	Reqst for a medical Malpractice Tribunal
05/09/1994	15	Motion of deft Louis Laz, M D for Order to compel plffs offer of
05/09/1994	15	proof at least three (3) days prior to tribunal hearing (with
05/09/1994	15	opposition)
05/09/1994	16	Findings of Medical Tribunal for plfs against Stephanie Fleck CNM
05/09/1994	16	(Doerfer, J) Notice sent 05/11/94
05/09/1994	17	Findings of Medical Tribunal for plfs against Louis Laz MD Notice
05/09/1994	17	sent 05/11/94
05/09/1994	18	Findings of Medical Tribunal for plfs against Constance Breece
05/09/1994	18	(Doerfer, J) Notice sent 05/11/94
05/09/1994	19	Findings of Medical Tribunal for plfs against Molly E Calrk MD
05/12/1994		Motion (P#15) After review, motion Allowed in part offer of proof to
05/12/1994		be served on deft counsel at least 48 hours prior to the hearing
05/12/1994		(White, J) notice sent 5-13-94
08/21/1995	20	Motion of plffs to strike & for Order to compel fur ans to ints by
08/21/1995	20	deft Molly Clark, MD (w/o opposition)
08/28/1995		Motion (P#20) - (5) Allowed as to journals & periodicals subscribed
08/28/1995		to at the time of the alleged malpractice (6) allowed as to a & c (7)
08/28/1995		denied without prejudice (Chernoff, J) Notice sent
10/23/1995	21	Motion of plff to amend complaint by adding party defts (with
10/23/1995	21	opposition)
11/07/1995		Motion (P#21) allowed (Maria I Lopez, Justice) Notice sent 11/07/95
11/07/1995	22	First Amended complaint of plffs
11/10/1995	23	Motion of plffs for Order to compel ans to deposition questions put
11/10/1995	23	to deft Molly E Clark, MD (with opposition)
12/06/1995	24	ANSWER of deft City of Cambridge, Constance Breece, C N M & Stephanie
12/06/1995	24	Fleck, C N M & Jury demand to Amended complaint (all issues)
12/06/1995		Motion (P#23) Allowed (Lopez,J) Notice sent 12/8/95
12/07/1995	25	Summons returned re: deft city of Cambridge in hand to June Binari,
12/07/1995	25	person to accept service November 29, 1995
01/16/1996	26	Motion of plffs for Order to compel answers to deposition questions
01/16/1996	26	put to deft Stephanie Fleck, CNM (with opposition)
01/19/1996		Motion (P#26) Allowed (Spurlock,J) Notice sent 1/19/96
02/12/1996	27	ANSWER by Molly E Clark M D to COMPLAINT (jury reqstd) to first

02/12/1996	27	amended complaint
02/12/1996	28	ANSWER by Louis Laz M D to COMPLAINT (jury reqstd) to first amended
02/12/1996	28	complaint
04/17/1996	29	Motion of defts Constance Breece, C.N.M & Stephanie Fleck C.N.M. to
04/17/1996	29	Dismiss & for Summary Judgment & the entry of separate & final
04/17/1996	29	Judgment (with opposition)
04/17/1996	30	Motion of plffs in opposition to defts Constance Breece, C.N.M &
04/17/1996	30	Stephanie Fleck C.N.M's motion for Summary Judgment (w/o opposition)
04/26/1996	31	Motion of deft Molly E Clark MD for Summary Judgment & entry of
04/26/1996	31	separate & final Judgment (with opposition)
04/26/1996	32	Motion of plffs in opposition to deft Molly E Clark MD's motion for
04/26/1996	32	Summary Judgment
05/16/1996	33	Motion of deft Louis Laz for Summary Judgment & entry of separate &
05/16/1996	33	final Judgment (with opposition)
12/16/1996		Motion (P#29) allowed (Nonnie Burnes, Justice) Notice sent 12/23/96
12/16/1996		Motion (P#31) denied (Nonnie Burnes, Justice) Notice sent 12/23/96
12/16/1996		Motion (P#33) denied (Nonnie Burnes, Justice) Notice sent
12/16/1996	34	Memorandum of Decision & Order on Defts' motions for Summary
12/16/1996	34	Judgment. Breece's motion fopr Summary Judgment is GRANTED. Fleck's
12/16/1996	34	motion for Summary Judgment is GRANTED & Clark & Laz's motions for
12/16/1996	34	Summary Judgment are DENIED (Nonnie Burnes, Justice) Notice sent
12/16/1996	34	12/23/96
01/08/1997	35	JUDGMENT The complaint against deft Stephanie Fleck, C N M is
01/08/1997	35	Dismissed with prejudice (Burnes,J) entered on docket pursuant to
01/08/1997	35	Mass. R. Civ.P. 58(a) and notice sent to parties pursuant to Mass R.
01/08/1997	35	Civ.P. 77(d)
01/08/1997	36	JUDGMENT The complaint agaisnt deft Constance Breece C N M is
01/08/1997	36	Dismissed with prejudice (Burnes,J) entered on docket pursuant to
01/08/1997	36	Mass.R. Civ.P. 58(a) and notice sent to parties pursuant to Mass. R
01/08/1997	36	Civ.P. 77(d)
02/26/1997	37	Motion of deft City of Cambridge to Dismiss and/or for motion for
02/26/1997	37	Summary Judgment (with opposition)
03/19/1997		Motion (P#37) Denied (Barrett,J) Notice sent 3/21/97
08/18/1997	38	Emergency petition of plff to dissolve a lien asserted in the above
08/18/1997	38	captioned action by the Dept of Public Welfare - Recovery Unit (w/o
08/18/1997	38	opposition)
08/21/1997		Petition (P#38) Order: The Court will hold a hearing on this motion
08/21/1997		on September 4, 1997 at 9AM Counsel should give a prompt telephoned &
08/21/1997		written notice of this hearing date to counsel for D.P.W. (King,J)
08/21/1997		Notice Sent 8/27/97
09/03/1997	39	Joint motion of defts Molly E Clark, MD & Louis Laz, MD for separate
09/03/1997	39	trial on the issue of defts public employee status (with opposition)
09/07/1997	40	Joint Motion to continue trial & Allowed by the Court (Grabau,
09/07/1997	40	Justice) Notice sent 9/8/97

09/24/1997		Motion (P#39) denied (Charles M Grabau, Justice) Notice sent 09/29/97
10/28/1997	41	Order for entry of Dismissal Nisi as to all remaining parties and all
10/28/1997	41	remaining claims, 30 days - (Grabau, J.) Notice sent
11/14/1997	42	Motion of plffs to appoint Co-Guardians & ALLOWED & Plffs are
11/14/1997	42	appointed Co-Guardians (Charles Grabeau, Justice)
11/21/1997	43	Agreement for Judgment (filed 11/14/97) for Disbursement allowed
11/21/1997	43	(Grabau,J) JUDGMENT entered on docket pursuant to Mass.R.Civ.P. 58(a)
11/21/1997	43	and notice sent to parties pursuant to Mass.R. Civ.P. 77(d)
